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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,787	07/05/2001	David Paul Felsher	FELSHER 201.1	2368
10037	7590	12/19/2005	EXAMINER	
MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606			SHERR, CRISTINA O	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/899,787

Applicant(s)

FELSHER, DAVID PAUL

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38,58-95 and 144 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38,58-95 and 144 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to applicant's amendment filed September 23, 2005. Claims 1-38, 58-95 and 144 are pending in this case.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-38, 58-95 and 144 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-38, 58-95 and 144 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipner et al (US 5,745,573).

5. Regarding claim 1 –

Lipner discloses a method, comprising the steps of: receiving a record (e.g. col 5 ln 62-65, "receiver' . . . data that has been received or retrieved from storage"); referencing a set of access rules for the record; and applying an appropriate set of access rules to limit access to the record, the limitations being enforced one or more selected from the group consisting of a cryptographic method for selectively limiting record access based on possession of a cryptographic key, and a trustee applying the access rules to limit access to the record (e.g. col 6 ln 25-30, "receiver then compares the first LEAF to the

second LEAF . . first LEAF is equal to the second LEAF, then the receiver decrypts the encrypted message using the KS”).

6. Although the records in Lipner are not specifically referred to as forming a the legal entity known as a trust, it would be obvious to one of ordinary skill in the art to adapt the teachings of Lipner to obtain the instant invention, and generally in order to limit access to records to only certain trusted people.

7. Regarding claims 2-10

Lipner discloses a method comprising the step of accounting for a decryption of the record; wherein said accounting is anonymous; wherein the record has a plurality of portions, each portion being encrypted with at least one cryptographic key, said portions being independently accessible, said access rules applying to selectively limit access to portions of the record; wherein said access rules limit access to portions based on an identity of an intended recipient; further comprising the step of supplying a decryption key for a respective record portion in accordance with the applied set of rules; further comprising the step of accounting for a decryption of a portion of the record; wherein the set of access rules are associated with an intended recipient of the record; further comprising the step of referencing an index to define a record; and wherein the index further stores a set of access rules for qualifying an intended recipient with respect to each of the records (e.g. col 22 ln 10-20).

8. As above, although the records in Lipner are not specifically referred to as forming a the legal entity known as a trust, it would be obvious to one of ordinary skill in

the art to adapt the teachings of Lipner to obtain the instant invention, and generally in order to limit access to records to only certain trusted people.

9. Regarding claims 11-17 –

Lipner discloses a method comprising the step of using an index to identify a record potentially responsive to a query; comprising the step of using an index comprising a set of associations of patient identities and medical transaction records to identify records relating to a respective patient; further comprising the step of using an index comprising a set of associations of record identification, record characteristic, and said access rules to identify records relating to a query and limiting access to portions thereof; wherein the record comprises a plurality of portions, the portions being separately encrypted and having associated sets of independent rules; wherein the access rules are role based access rules relating to a role of the intended recipient; wherein the access rules are context based access rules relating to a context of record access; wherein the access rules are defined by a rights-holder of the record (e.g. col 6 ln 15-30).

10. Regarding claims 18-20-

Lipner discloses a method wherein a decryption of the record triggers a remotely-sensed transaction; wherein the remotely sensed transaction comprises a financial accounting transaction; and wherein the remotely sensed transaction comprises an access audit trail transaction (e.g. col 22 ln 20-45).

11. Regarding claims 21-22 –

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Lipner discloses a method wherein said accounting occurs upon supply of the respective decryption key; and wherein said accounting occurs upon use of the respective decryption key (e.g. col 22 ln 20-45).

12. Regarding claim 23-38 –

As above, although the records in Lipner are not specifically referred to as forming a the legal entity known as a trust, or medical records, etc, but rather records in general, nevertheless it would be obvious to one of ordinary skill in the art to adapt the teachings of Lipner to obtain the instant invention, and generally in order to limit access to records to only certain trusted people.

13. Claims 58-95 and 144 are rejected under the same arguments as above.

14. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

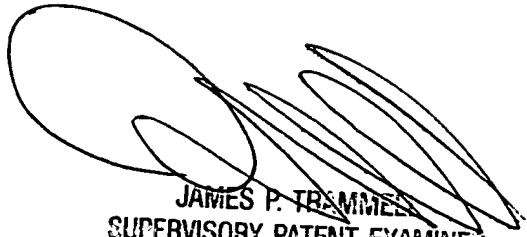
16. Lipner et al (US 5,557, 765) disclose a system and method for data recovery.

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17. Lipner et al (US 5,991,406) discloses a system and method for data recovery.
18. Lipner et al (US 5,956,403) disclose a system and method for access field verification/
19. Gennaro et al (US 5,937,066) discloses a two-phase cryptographic key recovery system.
20. Micali (US 5,553,145) discloses simultaneous electronic transactions with visible trusted parties.
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.
22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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COS



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